

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

Consideration of Waivers of 703 KAR 5:020, Affecting Grade Configurations

Applicable Statute or Regulation:

KRS 156.160, KRS 158.645 - KRS 158.6455

Action Question:

Should the Kentucky Board of Education (KBE) approve the request for waivers related to school grade configuration as provided for in KRS 156.160 and 703 KAR 5:020, Section 4, for forty-four (44) school districts?

History/Background:

Existing Policy. According to KRS 156.160, the KBE may approve the request for a waiver to any administrative regulation when: (1) a school district or school has demonstrated circumstances where an alternative approach will achieve the same result required by the administrative regulation; (2) implementation of the regulation will cause a hardship on the school district or school, or jeopardize the continuation or development of programs; or (3) there is a finding of good cause for the waiver. This statute defines circumstances related to state required assessments and school accountability that shall not be subject to waiver, but grade configuration is stated as an exception to these limitations.

Approval of forty-four (44) such requests is now being requested. The affected districts are listed below.

Adair County	Edmonson County	Lincoln County	Paintsville Ind.
Allen County	Elliott County	Livingston County	Perry County
Ashland Ind.	Floyd County	Magoffin County	Pike County
Barren County	Fulton Independent	McCreary County	Pikeville Independent
Beechwood Ind.	Graves County	Meade County	Pineville Independent
Bellevue Ind.	Hickman County	Metcalfe County	Raceland Independent
Breathitt County	Jenkins Ind.	Middlesboro Ind.	Russell County
Campbellsville Ind.	Johnson County	Nelson County	Walton-Verona Ind.
Casey County	Knox County	Ohio County	Warren County
Clay County	Leslie County	Owensboro Ind.	Wayne County
Dawson Springs Ind.	Lewis County	Owsley County	Whitley County

These waivers are being requested due to changes to 703 KAR 5:020, approved by the KBE in February, that requires new grades be assessed with the Kentucky Core Content Test (KCCT) in order to meet the requirements of No Child Left Behind (NCLB) and be included in the Commonwealth Accountability Testing System (CATS). The specific changes that impact the standard configuration for the KCCT include the addition of grade three (3) at the elementary level and the addition of grade six (6) at the middle school level. The regulation (703 KAR 5:020, Section 4) states:

“(1) For the Kentucky Core Content Test, if a school does not have grades three (3), four (4), and five (5) at the elementary level, grades six (6), seven (7), and eight (8) at the middle school, or grades nine (9), ten (10), eleven (11), and twelve (12) at the high school, the school shall be combined with the school or schools having the missing grade(s) its students previously attended or would subsequently attend, forming a single school accountability unit, for both state and federal school accountability purposes”.

The change in regulation impacts those schools that do not meet the standard grade configuration of grades 3-5 at elementary, grades 6-8 at middle and grades 9-12 at high school. While schools may have other grade configurations that do not meet the standard, the regulation does allow a school or district to request a waiver as follows:

“(2) A school or school district may request a waiver of the requirement of subsection (1) of this section or from the normal configuration of schools (elementary, middle, or high school) from the Kentucky Board of Education specifying other combinations of schools and assessment data if all students in an accountability grade are included, and all schools are accountable for all content areas assessed...”

After KBE approval of the regulation, the Office of Assessment and Accountability (OAA) notified each district with schools not conforming to the standard grade configuration. OAA has received waiver requests from each district notified. For the majority of the requests, schools and districts have requested that their current grade configuration be maintained for accountability purposes.

Attachment A contains a list of schools that have requested waivers to maintain their current grade configuration. This list contains schools with grade configurations of Primary-6, grade 7-8 middle schools, 7-12 high schools or combinations of schools. While the majority of districts have requested waivers to maintain their current grade configuration, there are seven (7) districts with specific waiver requests that are unique to their local school district. In these cases, each waiver request is listed below with the specific details of the request.

Bellevue Independent

Bellevue Independent currently operates two schools - Grandview Elementary School that includes Primary-6 and Bellevue High School that includes grades 7-12. The district would like to construct an accountability configuration that allows for three separate performance judgments to be calculated that includes one for grades P-5; one for middle

school grades 6-8; and one for the high school grades 9-12. This would result in a standard school configuration of Primary-5 at the elementary level, grades 6-8 at middle level, and grades 9-12 at the high school level.

Campbellsville Independent

Campbellsville Independent currently operates two schools that do not meet the standard grade configuration. Campbellsville Elementary School contains Primary-4, while Campbellsville Middle School contains grades 5-8. The district would like to construct an accountability configuration that would result in a standard school configuration of Primary-5 at the elementary level and grades 6-8 at middle level.

Since Campbellsville Middle School contains grades 5-8 operationally, the district is requesting that grade 5 accountability data from Campbellsville Middle be assigned to Campbellsville Elementary for school accountability. This means that for accountability purposes Campbellsville Elementary (P-4) would be considered a P-5 school and Campbellsville Middle School (5-8) would be considered a 6-8 school.

Dawson Springs Independent

Dawson Springs Independent currently operates three schools - Dawson Springs Elementary School that contains Primary-4; Dawson Springs Middle School that contains grades 5-8 and Dawson Springs High School that contains grades 9-12. The district would like to construct an accountability configuration that would result in a school configuration of Primary-6 at the elementary level and grades 7-12 at middle and high school levels.

Since Dawson Springs Middle School contains grades 5-8 operationally, the district is requesting that grade 5-6 accountability data from Dawson Springs Middle be assigned to Dawson Springs Elementary for school accountability. This means that for accountability purposes Dawson Springs Elementary (P-4) would be considered a P-6 school. In addition, the district is requesting that the grade 7-8 accountability data from Dawson Springs Middle be assigned to Dawson Springs High School for school accountability. This means that for accountability purposes Dawson Springs High School (9-12) would be considered a 7-12 school.

Fulton Independent

Fulton Independent currently operates two schools - Carr Elementary School that contains Primary-6 and Fulton City High School contains grades 7-12. The district would like to construct an accountability configuration that would result in a school configuration of Primary-5 at the elementary level and grades 6-12 at middle and high school levels.

Since Carr Elementary School contains Primary through grade 6 operationally, the district is requesting that grade 6 accountability data from Carr Elementary be assigned to Fulton City High School for school accountability. This means that for accountability

purposes Carr Elementary School (P-6) would be considered a P-5 school and that Fulton City High School (9-12) would be considered a 6-12 school.

Jenkins Independent

Jenkins Independent currently operates two independent schools - Jenkins Elementary School that includes Primary-6 and Jenkins Middle High School that includes grades 7 through 12. The district would like to construct an accountability configuration that allows for three separate performance judgments to be calculated that includes one for elementary grades P-6; one for middle school grades 7-8; and one for the high school grades 9-12.

This would allow the district to maintain the current configuration of Primary-6 for Jenkins Elementary School. In addition, this would create accountability at the middle school level for Jenkins Middle/High School. The result would be a configuration of grades 7-8 at the middle school level and grades 9-12 at the high school level.

Owensboro Independent

Owensboro Independent currently operates seven schools that do not meet the standard grade configuration. This includes four Primary-4 schools: Cravens Elementary, Estes Elementary, Newton Parrish Elementary and Sutton Elementary; one Primary-6 school: Foust Elementary; one 5-6 school: Owensboro 5-6 Elementary Center and one 7-8 middle school: Owensboro Middle School. The district would like to construct an accountability configuration that would result in a district-wide standard school configuration of Primary-5 at the elementary level and grades 6-8 at middle school level.

The Owensboro 5-6 Elementary Center contains all students in grades 5-6, except for those at Foust Elementary. The district is requesting that grade 5 accountability data from the Owensboro 5-6 Elementary Center and from Foust Elementary be combined to create one district-wide P-5 elementary school for accountability purposes. In addition, the grade 6 accountability data from the Owensboro 5-6 Elementary Center and from Foust Elementary would be combined with the grade 7-8 accountability data from Owensboro Middle to create one district-wide 6-8 middle school for accountability purposes.

Pikeville Independent

Pikeville Independent currently operates two independent schools - Pikeville Elementary School that includes Primary-6 and Pikeville High School that includes grades 7-12. The district would like to construct an accountability configuration that allows for three separate performance judgments to be calculated that includes one for elementary grades P-6; one for middle school grades 7-8; and one for the high school grades 9-12.

This would allow the district to maintain the current configuration of Primary-6 for Pikeville Elementary School. In addition, this would create accountability at the middle

school level for Pikeville High School. The result would be a configuration of grades 7-8 at the middle school level and grades 9-12 at the high school level.

Staff Recommendation(s) and Rationale(s):

Staff recommends approval of the requested waivers. Because the proposals described will include the most appropriate data in the accountability calculations for these schools, the requested waivers of the grade configuration requirement of 703 KAR 5:020 should be granted.

Impact on Getting to Proficiency:

These waivers clarify how the specific schools and staffs will be included in the school accountability system, which defines their status relative to Getting to Proficiency.

Groups Consulted:

Those consulted include the superintendent and district assessment coordinator, as well as the school-based councils of the schools. The Department of Education is of the understanding that the staffs and councils of these schools are informed of the proposed solutions, and considering the various alternatives available, are in general agreement with the above proposal.

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Interim Commissioner of Education

Date:

April 2007